

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

RONALD ANDREW DAVIES,

Plaintiff,

Case No. 15-cv-13799

Hon. Matthew F. Leitman

v.

MATT GOEBEL, et al.,

Defendants.

**ORDER (1) GRANTING IN PART AND DENYING IN PART
DEFENDANTS GOEBEL, EMMI, KINAL, AND ZELAKIEWICZ'S
MOTION FOR SUMMARY JUDGMENT (ECF #38) AND (2) GRANTING
IN PART AND DENYING IN PART DEFENDANT MENDOZA'S MOTION
FOR SUMMARY JUDGMENT (ECF #39)**

On June 30, 2017, Defendants Matt Goebel, Michael Emmi, Paul Kinal, and Brian Zelakiewicz (the “Oakland County Defendants”) filed a motion for partial summary judgment (the “Oakland County Defendants’ Motion”). (*See* ECF #38.) On that same day, Defendant Benito Mendoza filed a motion for summary judgment (the “Mendoza Motion”). (*See* ECF #39.) The Court held a hearing on both motions on November 1, 2017.

For the reasons stated on the record at the hearing, the Oakland County Defendants' Motion is **GRANTED IN PART** and **DENIED IN PART** as follows:

- *Count I¹ – Unlawful Search and Seizure in Violation of the Fourth Amendment.* The Court **GRANTS** summary judgment in favor of the Oakland County Defendants on this claim to the extent that it is based on the stop of the vehicle driven by Plaintiff. The Court **DENIES** summary judgment on this claim to the extent that it is based on Plaintiff's interactions with the Oakland County Defendants after recognition that the driver of the stopped vehicle was not Ray Slayton.
- *Count I – Conspiracy to Violate Plaintiff's Constitutional Rights.* The Court **GRANTS** summary judgment in favor of the Oakland County Defendants on this claim.
- *Count I – Excessive Force.* The Court **DENIES** Defendant Emmi's motion for summary judgment on this claim (the other Oakland County Defendants did not move for summary judgment on this claim).
- *Count II – False Arrest.* The Court **DENIES** summary judgment on this claim.
- *Count III – False Imprisonment.* The Court **DENIES** summary judgment on this claim.

¹ Count I asserts multiple theories that Defendants violated Plaintiff's civil rights.

For the reasons stated on the record at the hearing, the Mendoza Motion is **GRANTED IN PART** and **DENIED IN PART** as follows:

- *Count I – Unlawful Search and Seizure in Violation of the Fourth Amendment.*

The Court **GRANTS** summary judgment in favor of Mendoza on this claim to the extent that it is based on Defendant Mendoza's acts or omissions before he (Mendoza) was informed that the person who was stopped was not Ray Slayton. The Court **DENIES** summary judgment on this claim to the extent that it is based on Defendant Mendoza's acts or omissions after he (Mendoza) was informed that the person who was stopped was not Ray Slayton.

- *Count I – Conspiracy to Violate Plaintiff's Constitutional Rights.* The Court **DENIES** summary judgment on this claim to the extent it rests on the alleged conduct that Plaintiff describes on pages 128-135 in his deposition (ECF #41-11 at Pg. ID 501-03). The Court **GRANTS** summary judgment in favor of Mendoza on this claim to the extent that it rests on any other alleged acts or omissions by Defendant Mendoza.
- *Count I – Excessive Force.* The Court **GRANTS** summary judgment in favor of Mendoza on this claim.
- *Count I – Failure to Act.* The Court **DENIES** summary judgment on this claim.

- *Count II – False Arrest.* The Court **DENIES** summary judgment on this claim.
- *Count III – False Imprisonment.* The Court **DENIES** summary judgment on this claim.

IT IS SO ORDERED.

Dated: November 3, 2017

s/Matthew F. Leitman
MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on November 3, 2017, by electronic means and/or ordinary mail.

s/Holly A. Monda
Case Manager
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